

### REMARKS

Claims 1-24 are pending in the application, of which claim 1 is the only independent claim. Claims 1-25 are pending, with claims 7-9, 15, 18, 19 and 25 having been withdrawn from consideration as non-elected. Favorable consideration is hereby requested.

The Office Action rejected claims 1-6 and 10 under 35 U.S.C. § 102 (b) as being anticipated by PELLAND (The application of lidocaine to the fallopian tubes during tubal fulguration by lapascopy. Obstet Gynecol. 1976 Apr; 47(4): 501-2). Applicant respectfully traverses this rejection and notes that PELLAND discloses that “[a] randomized double-blind study of 100 patients was done, using 4% lidocaine and/or saline applied to the fallopian tubes *at the time of* tubal fulguration by laparoscopy. (emphasis added) The word “fulguration” means “[t]he destruction of tissue, usually malignant tumors, by means of a high-frequency electric current applied with a needlelike electrode. (*See* <http://dictionary.reference.com/browse/fulguration>). In other words, PELLAND discloses applying lidocaine at the time of the tubal destruction; claim 1 of the present invention requires applying a pharmaceutically acceptable topical drug formulation ... on or adjacent to an exterior surface of the surgically closed wound, i.e., not at the time of the tubal fulguration as required by PELLAND. At least for this reason, Applicant submits that claim 1 and the dependent claims are patentable over PELLAND.

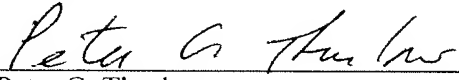
The Office Action also rejected claims 1-6, 10-14, 16, 17, and 20-24 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,528,086 (Zhang). Applicant respectfully traverse this rejection.

Applicant submits that this application is a continuation application of U.S. Patent No. 6,645,521 (application no. 10/137,685, filed May 3, 2002), which is a continuation application of U.S. Patent No. 6,383,511 (09/425,925, filed October 25, 1999), as noted on PAIR, in the “Application Data” section for this application. As such this application has an effective filing date of October 25, 1999, which is before the Zhang reference’s issue date of March 4, 2003 and publication date of its related patent application of January 10, 2002. Accordingly, Applicant submits that the Zhang reference is not prior art under Section 102(b) and Applicant respectfully request that this be kindly noted in the next communication from the patent office.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner issue a notice of allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: September 8, 2008

 47,138  
Peter G. Thurlow (Reg. No.)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017-6702  
(212) 326-3694